IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 30797 of 2006(N)

PETITIONER:

BINOY K.DIVAKARAN, S/O.K.K.DIVAKARAN,
KOONEATH HOUSE, KADUNGAMANGALAM,THIRUVANKULAM P.O.
ERNAKULAM DIST.

BY ADV. SRI.A.P.SUBHASH
SRI.M.A.ABDUL SHUKOOR

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHAIRMAN.

2. CHIEF ENGINEER (HRM),
VYDHYUTHI BHAVAN, THIRUVANANTHAPURAM.

3. KERALA PUBLIC SERVICE COMMISSION,
PATTOM P.O., THIRUVANANTHAPURAM, REPRESENTED BY
ITS SECRETARY.

4. THE CHAIRMAN, K.P.S.C.,
PATTOM PALACE P.O., THIRUVANANTHAPURAM.

R1 & 2 BY SC SHRI. K.S.ANIL
R3 & 4 BY SC SHRI. P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30797 OF 2006

Dated this the 13th December, 2006.

JUDGMENT

The petitioner is a candidate included in the supplementary list of Scheduled Caste for appointment to the post of Assistant Engineer (electrical) in the Kerala State Electricity Board. The grievance of the petitioner is that one NJD vacancy which arose during the currency of the list was not promptly reported by the KSEB and that has caused problems for the petitioner. It is also contended that the vacancy was subsequently reported by the KSEB on 30.10.2006 and notwithstanding the validity of the list, the Commission refused to advise the petitioner who was the next candidate to be advised for appointment.

2. Counsel for the Commission submits that the petitioner could not be advised for appointment since the main list had been exhausted on 19.9.2006 and the vacancy reported on 30.10.2006 for the advice of a candidate from the supplementary list was of no use. It is also submitted that in the light of the decision of the apex Court in **Nair Service Society v. District Officer, Kerala Public Service Commission** {2003(3) KLT 1126}, the supplementary list cannot be operated after candidates from the main list have

been exhausted. The petitioner is not entitled for the reliefs. Writ petition is therefore dismissed.

K.K.DENESAN
Judge

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